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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/620,165 | 07/20/2000 | Balbir Singh | JJM-550 | 3391 |

7590

11/07/2003

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EXAMINER

TAWFIK, SAMEH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3721

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,165

Applicant(s)

SINGH, BALBIR

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

Claims 5, 6, and 15 are rejected under 35 U.S.C. 112, fourth paragraph, as being indefinite for failing to contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed.

(claims 5 and 15, line 1) "...roller is a drive roller..." and (claim 6, line 1) "...disk is a drive disk..." is contradicting with what claimed in the independent claim 1 "...wherein said primary roller and said primary disk are both free-spinning."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4 and 10-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Stivani (German Patent 199 05 520).

Stivani discloses a folding device comprising a primary roller (via the roller in above spool 8 and/or roller 11) for receiving a material (4) to be folded; a primary disk (via 10) in communication with the roller for creasing and folding the material as the material travels from the roller to the disk (Fig. 1); the primary roller and the primary disk are both free spinning (Fig. 1; note that the web been bulled by other rollers via 29, 27, and 22 which cause a spinning of the roller and disk 10).

Regarding claims 2 and 11: the primary roller (via the roller in above spool 8) further comprises a notch (Fig. 1) and/or roller 11 with notch.

Regarding claims 3, 4, and 12: the primary disk is biased to be in contact with the notch and the disk is normal to the primary roller (Fig. 1; via roller 11 and disk 10).

Regarding claim 13: the disk (10) is normal to the primary roller (11).

Regarding claims 10: a feeding roller (via 29) a pair of fold rollers (via 27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stivani (German Patent 199 05 520).

Stivani does not clearly disclose that the primary roller is a drive roller and the primary disk is free spinning disk nor the primary disk is a drive disk and the roller is a free spinning roller nor the feed roller is a drive roller. However, it would have been an obvious matter of design choice to have modified Stivani's folding device by having the primary roller is a drive roller and the primary disk is free spinning disk and/or the primary disk is a drive disk and the roller is a free spinning roller and/or the feed roller is a drive roller, since the examiner takes an official notice that the mentioned driving means in either the disk or the roller is old, well known, and available in the art.

Regarding claim 7: the primary roller further comprises a notch (via blade portion 20 on 10).

Regarding claims 8 and 9: Palmer discloses the primary disk is biased to be in contact with the notch and the disk is normal to the primary roller (Fig. 2).

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.


EUGENE KIM
PRIMARY EXAMINER